

City Council Agenda

Council President

Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan

Henry T. Perea
Cynthia Sterling
Larry Westerlund

City Manager

Andrew T. Souza

City Clerk

Rebecca E. Klisch, CMC

City Attorney

Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

July 26, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m. and re-played beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Council President Dages

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "NEIGHBORS IN HEALTH DAY" – All Councilmembers

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of July 19, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. Removed from the agenda
- B. * Approve the renewal of the contract between the Fresno City College Police Academy and the Fresno Police Department, for contract instruction, assessment, and counseling services to serve community needs and authorization to increase the fee per student instructional hour to \$2.50 – Police Dept.
Action Taken:
- C. * Authorize the Chief of Police to enter into a 3-Year Lease Agreement between the City of Fresno and the Mark and Tami Graham Family Trust for indoor vehicle storage and classroom space at 5280 and 5282 E. Pine Street, for the Police Department EOD, SWAT, and training units – Police Dept.
Action Taken:
- D. * **RESOLUTION** - 9th amendment to AAR No. 2005-286 for the rebudget of capital projects in the UGM traffic signal fee fund to provide for the completion of capital improvement projects that were previously approved by Council (***Requires 5 affirmative votes***) – Public Works Dept.
Action Taken:
- E. **RESOLUTION** - Of consideration to change the rate and method of apportioning the special tax and establishing a new maximum special tax for Annexation No. 93, Final Tract No. 5141 of City of Fresno Community Facilities District No. 2, and setting a public hearing for August 30, 2005, at 10:00 a.m. – Public Works Dept.
Action Taken:
- F. * Establish minimum standards for aviation service providers doing business at Fresno Chandler Executive Airport – Airports Dept.
Action Taken:
- G. * Approve an amendment to Burgundy Partners LLC'S Lease at Fresno Yosemite International Airport (FYI) to extend same business privileges to and add property to Fresno Chandler Executive Airport (FCH) – Airports Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- H. * Award a primary requirements contract to BSK Analytical Laboratories of Fresno and a secondary requirements contract to Twining Laboratories of Fresno for water quality testing – General Services Dept./Purchasing, Dept. of Public Utilities/Water
Action Taken:
- I. Consider approving request for Conflict of Interest Waiver requested by the Law Firm of Motschieder, Michaelides & Wishon regarding City of Fresno v. Pinedale Public Utilities District – City Attorney's Office
Action Taken:
- J. Approve "ViewFresno" as an online web-accessible mapping and geo-referenced information retrieval service hosted by the City of Fresno to the public on a charge for access basis
Action Taken:
1. * Authorize the Director of Public Utilities to act as the "duly authorized agent of the author" (City of Fresno) to execute applications for U.S. Copyright and California Trademark Registrations in conjunction with "ViewFresno" software application code
Action Taken:
 2. * Authorize the Chief Information Officer, or his/her designee, to negotiate and execute data sharing agreements as necessary with other agencies that may desire to access, share and/or contribute data content to the "ViewFresno" service application
Action Taken:
 3. * **RESOLUTION** - 433rd amendment to the MFS Resolution No. 80-420 establishing a charge for public access to the "ViewFresno" service
Action Taken:
- K. * **RESOLUTION** - 8th amendment to AAR No. 2005-286 appropriating \$103,000 to the Fire Department to implement the Hydrant Inspection Program (***Requires 5 affirmative votes***) – Fire Dept.
Action Taken:
1. * **RESOLUTION** - 4th amendment to PAR No. 2005-287 adding three (3) firefighter trainees and one (1) staff assistant position to the Fire Department
Action Taken:
 2. * **RESOLUTION** - 3rd amendment to the Salary Resolution No. 2005-290 to provide positions for the Hydrant Inspection Program
Action Taken:
- L. Consideration of proposed Belmont-Sunnyside No. 1B Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 15.2 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno (***Property located in District 5***)
Action Taken:
1. Affirm the action of the City Council of May 10, 2005, adopting the environmental finding of Environmental Assessment No. R-05-13/C-05-62 dated March 14, 2005, that the project proposal conforms to the provision of MEIR No. 10130 for the 2025 Fresno General Plan.
Action Taken:
 2. **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Belmont-Sunnyside No. 1B Reorganization
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- M.** Consideration of proposed Bullard-Grantland No. 3 Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 40 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of **Fresno (Planning and Development Dept.)**
Action Taken:
1. Affirm the action of the City Council of April 12, 2005, adopting the environmental finding of Environmental Assessment No. R-04-65/T-5338 dated January 27, 2005, resulting in a Finding of Conformity.
Action Taken:
2. **RESOLUTION-** Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Bullard-Grantland No. 3 Reorganization.
Action Taken:
- N.** Consideration of proposed McKinley-Polk No. 4C Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 20 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno – Planning and Development Dept.
Action Taken:
1. Affirm the action of the City Council of April 12, 2005, adopting the environmental finding of Environmental Assessment No. R-04-04/T-5251 dated February 25, 2005, resulting in a Finding of Conformity
Action Taken:
2. **RESOLUTION-** Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed McKinley-Polk No. 4C Reorganization
Action Taken:
- O.** Consideration of proposed Shaw-Bryan No. 3 Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 49 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno
Action Taken:
1. Affirm the action of the City Council of April 12, 2005, adopting the environmental finding of Environmental Assessment No. R-04-54/T-5352 dated January 27, 2005, resulting in a Finding of Conformity
Action Taken:
2. **RESOLUTION-** Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Shaw-Bryan No. 3 Reorganization
Action Taken:
- P. *** Approve and authorize the Director of Public Utilities or his designee, to enter into a second amendment with the Fresno Metropolitan Flood Control District for additional groundwater recharge capacity at Basins “BH” and “BS” – Dept. of Public Utilities
Action Taken:
- Q. *** **RESOLUTION -** Approving contribution for health and welfare for the Mayor and Councilmembers – Personnel Dept.
Action Taken:
- R. *** **RESOLUTION -** Amending the Public Facility Fee Program to set forth a method for the City of Fresno to finance eligible public facility fees through Community Facilities Districts (CFD’s)– Finance Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- S. * **BILL NO. B- 77 - (Intro. 7/19/05) (For adoption)** – Amending the official list of designated special speed zones, pursuant to Section 10-1601 of the Fresno Municipal Code designating speed limits for various streets within the City of Fresno – Public Works Dept.
Action Taken:
- T. **BILL – (For introduction)** - Amending Sections 2-1703(a) and 2-1803(a)(4) of the Fresno Municipal Code relating to the residency requirements for outside retirement board members – Retirement Office
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. * **RESOLUTION** - Declaring an urgent necessity for the preservation of life, health or property, waiving the formal advertised competitive bidding requirements, and authorizing the Public Works Director to contract for the replacement of water chillers, cooling towers, and associated equipment at the Fresno Convention Center – General Services Dept./Purchasing/Public Works Dept.
Action Taken:
- B. **BILL – (For introduction)** – Adopting changes and additions to the official list of truck routes designating streets for the movement of vehicles exceeding twelve thousand pounds maximum gross weight – Public Works Dept.
Action Taken:

3. **CITY COUNCIL**

- A. Council discussion and direction on the potential shifting and repositioning of designated California State Enterprise Zone – Councilmember Westerlund
Action Taken:
- B. Request Council approval of the Anti-Slum Strike Force and through the Mayor and City Manager direct staff to implement the Anti-Slum Strike Force, direct the City Attorney to draft any enabling legislation that may be required and direct the Strike Force to work in conjunction with Fresno County agencies – Councilmember Westerlund
Action Taken:
- C. Request status report on the following; credit card fee, collections charge and cell phone audit – Councilmember Boyajian
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION** - Appearance by Colin Dougherty, Media and Communications Manager of Comcast to introduce a new subscriber service, Video on Demand (VOD)
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M. HEARING** to consider Community Facilities District No. 2, Annexation No. 99, Final Tract Map No. 5290 – Public Works Dept.
Action Taken:
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 99, Final Tract Map No. 5290 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** – Declaring election results
Action Taken:
 - d. * **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 99, Final Tract Map No. 5290
Action Taken:
- 10:05 A.M. HEARING** to consider Community Facilities District No. 2, Annexation No. 98, Final Tract Map No. 5261 – Public Works Dept.
Action Taken:
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 98, Final Tract Map No. 5261 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** – Declaring election results
Action Taken:
 - d. * **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 98, Final Tract Map No. 5261
Action Taken:
- 10:15 A.M. HEARING** to consider Rezone Application No. R-05-21, and environmental findings, filed by Lars Anderson and Associates on behalf of Robert Larsen, for 10 acres of property located on the south side of W. Ashlan Avenue between N. Cornelia and N. Blythe Avenues (***Property located in District 1***) – Planning and Development Dept.
Action Taken:
- a. Consider and adopt Environmental Assessment No. T-5489/R-05-21/C-05-91, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan.
Action Taken:
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth management*) zone district.
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:45.A.M. HEARING to consider Rezone Application No. R-04-81 and environmental findings, filed by Granville Homes, pertaining to approximately 330 acres of property located on the north side of W. Shields Avenue between N. Grantland and N. Polk Avenues ***(Property located in Districts 1 and 2)***

Action Taken:

a. Consider and adopt Environmental Assessment No. R-04-81, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan.

Action Taken:

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20 (*Fresno County – Exclusive Twenty Acre Agricultural*) zone district to the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) (20 acres); R-1/UGM (*Single Family Residential/Urban Growth Management*) (252 acres); R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) (38 acres); and C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) (20 acres) zone districts. The project also includes the detachment of the subject property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency.

Action Taken:

11:00 A.M. Council discussion and staff direction to develop improved safety strategies and a recommendation to Council on illegal fireworks - Councilmember Calhoun

Action Taken:

2:00 P.M. #1 **CONTESTED CONSENT CALENDAR**

2:00 P.M. #2 **CLOSED SESSION**

A. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6

City Negotiator(s): Ruth F. Quinto, Renee Mayne

Employee Organization(s):

1. International Association of Firefighters (IAFF) – Basic Unit
2. International Association of Firefighters (IAFF) – Management Unit
3. Fresno City Employees Association (FCEA)

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (a)

1. **Case Name:** Sammy Taylor, et al. v. City of Fresno, et al.
2. **Case Name:** Fresno Police Officers Association (FPOA) v. City of Fresno, Andrew T. Souza
3. **Case Name:** Joan Dalgety, Jacob R. Smith v. City of Fresno, et al.

Action Taken:

2:00 P.M. #3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

2:30 P.M. HEARING pertaining to formation of proposed City of Fresno Community Facilities District No. 2005-1 (Running Horse)

Action Taken:

a. **RESOLUTION** - Of formation of Community Facilities District No. 2005-1 (Running Horse), authorizing the levy of a special tax within, and preliminarily establishing an appropriations limit for, the district

Action Taken:

b. **RESOLUTION** - Deeming it necessary to incur bonded indebtedness

Action Taken:

c. **RESOLUTION** - Calling special mailed-ballot election

Action Taken:

d. **RESOLUTION** - Declaring election results

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

4:30 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of July 19, 2005

Action Taken:

A. CONTINUED HEARING regarding the Convention Center Redevelopment Plan: ***(Continue to August 30, 2005 at 4:30 p.m.)***

1. Find that the proposed plan amendments, as reflected by the amended plan, conform to the Fresno General Plan and adopt the Environmental Finding of Conformity/Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan for Environmental Assessment NO. RDA 2005-1
(Council and Agency action)
2. Find that the Convention Center Redevelopment Plan, as proposed to be amended, is consistent with the Fresno General Plan including, but not limited to, the Housing Element of the General Plan ***(Council and Agency action)***
3. **BILL** - Adopt the 2005 plan amendments to the Convention Center Redevelopment Plan ***(Council and Agency action)***

Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

Aug.	2 -	NO MEETING - COUNCIL VACATION
Aug.	9 -	NO MEETING - COUNCIL VACATION
Aug.	16 -	10:00 A.M. CONTINUED HEARING re: LLMD No. 1 to consider the proposed annual assessments for Landscaping and Lighting Maintenance District No. 1
Aug.	16 -	10:30 A.M. HEARING relating Tow Ordinance – Police Department
Aug.	16 -	3:30 P.M. JOINT MEETING/RDA To approve a Purchase and Sales Agreement and Disposition and Development Agreement, property is Gregor Boats at 2316 E. Annadale
Aug.	23 -	10:00 A.M. HEARING re: CFD No. 2, Annexation No. 102, Final Tract Map No. 5458
Aug.	23 -	10:05 A.M. HEARING re: CFD No. 2, Annexation No. 103, Final Tract Map No. 5248
Aug.	23 -	10:10 A.M. HEARING re: CFD No. 2, Annexation No. 100, Final Tract Map No. 5235
Aug.	23 -	10:15 A.M. HEARING re: CFD No. 2, Annexation No. 101, Final Tract Map No. 5325
Aug.	23 -	10:30 A.M. Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
Aug.	30 -	10:00 A.M. HEARING re: CFD No. 2, Annexation No. 93, Final Tract Map No. 4151, change of services
Aug.	30 -	4:30 P.M. CONTINUED JOINT HEARING/RDA regarding the Convention Center Redevelopment Plan:
Sept.	6 -	NO MEETING - COUNCIL VACATION
Sept.	13 -	NO MEETING - COUNCIL VACATION
Oct.	18 -	NO MEETING - COUNCIL BREAK
Oct.	25 -	8:30 A.M. Presentation of P.R.I.D.E. Team Certificates (Reception immediately following – 2 nd floor foyer)
Nov.	9 – (Wed)	3:00 P.M. Presentation of Employee Service Awards in the Council Chambers with a reception immediately following – 2 nd floor foyer)
Nov.	15 -	10:30 A.M. Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling

(Future workshops – dates to be determined)

(June) WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004

WORKSHOP – Urban Forest